

DISTRICT COURT OF THE VIRGIN ISLANDS

DIVISION OF ST. CROIX

**JUAN MENDEZ, JUAN MORALES,
RENE VARGAS, FRANK ORTIZ,
REYNALDO RODRIGUEZ, JAIME,
GARCIA and PEDRO CARPIO,**

Plaintiffs,

v.

HOVENSA, LLC,

Defendant.

2002-CV-0169

**TO: Lee J. Rohn, Esq.
Onik'a Gilliam, Esq.**

**ORDER DENYING PLAINTIFFS' MOTION TO COMPEL WILLIAM GEORGE TO
ANSWER DEPOSITION QUESTIONS**

THIS MATTER is before the Court upon Plaintiffs' Motion to Compel William George to Answer Deposition Questions (Docket No. 218). Defendant filed an opposition, to which Plaintiffs filed a reply.

Plaintiffs have submitted a motion to compel discovery. According to Local Rule 37.2(d), "the Court will not consider any discovery motion in the absence of a joint stipulation or a declaration from counsel for the moving party establishing that opposing counsel" thwarted the filing of a joint stipulation. LRCi 37.2(d). Plaintiffs' motion is not

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accompanied by a joint stipulation. As Plaintiffs are the moving party, Plaintiffs' motion may be accompanied, in lieu of a joint stipulation, by a declaration from Plaintiffs' counsel that opposing counsel thwarted the filing of a joint stipulation.

Although Plaintiffs' discovery motion has been submitted without either a joint stipulation or a declaration from counsel establishing that opposing counsel thwarted the filing of a joint stipulation, the Court will consider the motion in light of the approaching trial date.

Plaintiffs move to compel Defendant's expert, William George, to appear in St. Croix and respond to a supposedly unanswered deposition question. In their motion, Plaintiffs challenge Defense counsel's direction to Defendant's expert not to answer the following question: "Did you provide any questions to Attorney Warren or any of his associates in examining Dr. Bernard yesterday?" Deposition of William J. George, Ph.D. at p. 51. Despite defense counsel's direction not to answer, Plaintiffs' counsel renewed the question: "Did you provide Attorney Warren with a list of questions in preparation for his examination of Dr. Bernard?" *Id.* at p. 52. Defendant's expert responded: "I don't remember who he examined, but I know I spoke with him on the phone. I don't recall what the questions were." *Id.* Thus, Defendant's expert answered Plaintiffs' counsel's question, despite defense counsel's direction not to answer.

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Accordingly, it is now hereby **ORDERED** Plaintiffs' Motion to Compel William George to Answer Deposition Questions (Docket No. 218) is **DENIED AS MOOT**.

ENTER:

Dated: July 18, 2007

/s/

GEORGE W. CANNON, JR.
U.S. MAGISTRATE JUDGE